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**IN THE COURT OF THE DEPUTY COMMISSIONER OF ENDOWMENTS, ODISHA
BHUBANESWAR**

SCHEME ORDER

The 12th October 2011

Present :

Shri S. K. Swain, O.S.J.S. (J.B.),
Deputy Commissioner of Endowments, Odisha,
Bhubaneswar.

O.A. No. 2 OF 2010 U/S. 42(1)(b) OF O.H.R.E. ACT, 1951

In the matter of Sri Sri Gupteswar Dev Bijje Galua, P.O./P.S. Banapur, Dist. Khurda

Prafulla Harichandan and others . . . Petitioners

Versus

Magi Bhopa @ Mali @ Mohapatra & another . . . Opposite Parties

This matter having come on for final disposal before the Deputy Commissioner of Endowments, Odisha. It is hereby ordered as follows :—

Whereas, the Deputy Commissioner of Endowments is satisfied that the above institution with its endowments cannot be properly managed under the general provisions of the Orissa Hindu Religious Endowments Act, 1951, he after consulting the trustees and persons having interest in the institution hereby settle the following Scheme of administration under Section 42 (1)(b) of the said Act.

SCHEME

1. The Scheme shall be called the Scheme of administration of Sri Gupteswar Dev Bijje Galua, P.O./P.S. Banapur, Dist. Khurda and shall come into force after its publication at the spot and in the *Orissa Gazette*.

2. In the Scheme, if not consistent with the context the 'Act' means the Orissa Act 2 of 1952 and the rules framed thereunder, as amended from time to time. The word 'net income' means the income remaining for expenditure after payment of Government and public dues, such as contribution, audit charges and if there is any loan payable. 15 per cent of the same and all other words and expressions used herein, shall have the respective meaning assigned to them in the Act.

3. The said institution with its endowments shall be administered by a Board of Trustees not exceeding five in number out of whom one shall be the Hereditary Trustee and the rest shall be appointed by the Deputy Commissioner of Endowments as far as practicable from among the persons to which the institution belongs who shall hold office for such period not exceeding five years as may be fixed by him.

- (a) The Deputy Commissioner may for sufficient reason to be recorded by him from time to time, extend the aforesaid term of office of Trustees appointed and the total extension so granted, however, shall in no case exceed six months in aggregate.
- (b) Any Hereditary Trustee, Interim Trustee, Person-in-Management or other person holding the office or management or in possession of the properties, etc. of the institution immediately prior to the date of the publication of the Scheme shall cease to hold office or property, etc. as such on taking over charge or assuming charge of the institution, its endowments, records, documents, accounts, cash thereof by the Managing Trustee appointed under the Scheme.

4. The Board of Trustees shall be a body corporate and all suits and legal proceedings in favour or against the said Board shall be conducted in the name of an Executive Officer on behalf of the said Board.

5. The Deputy Commissioner may remove any of the Members of the Board, at any time, without assigning any reason, should he find it necessary in the interest of the institution and record a proceeding to that effect.

6. Any vacancy or vacancies occurring in the office of any of the Trustees during or at the end of the said or subsequent periods, shall be filled up by the Deputy Commissioner subject to the condition that the provisions of filling up the vacancy of the Hereditary Trustee shall be as provided by the Act.

7. The Board of Trustees shall elect one from amongst them as President of the Board and report his name to the Deputy Commissioner for approval.

8. Every meeting of the Board shall be presided over by the President and in his absence by a Member chosen by the meeting to preside on the occasion.

9. (a) The meeting of the Board shall be convened by the Executive Officer in consultation with the President, on giving adequate notice to the other Members.

(b) The Executive Officer will be *ex officio* Secretary of the Board

(c) The quorum for a meeting of the Board shall be ordinarily three

(d) If there is any urgent item of business in the agenda of any particular meeting, of which previous notice is given and which cannot be postponed for the next meeting, the Members in attendance, even if they are less than three, can get through the business, provided if they differ on any particular issues, the same will be referred to the Deputy Commissioner whose decision shall be final.

10. The Board shall meet at least once a month within the premises of the institution for passing the accounts of the previous month and for considering any other matter concerned with the management of the institution.

11. All questions arising at a meeting of the Board, shall be decided by a majority of votes of the Members, present thereat and in every case of quality of votes, the President or the person presiding, shall have right of exercising a casting vote.

12. The meeting as envisaged in Clause 9 (a) must be held by the 10th of the month. If the said meeting is not convened by the Executive Officer by the 10th of the month, for any reason, any two or more Members of the Board may requisition the said meeting of the Board by giving five days notice to other Members. In case no such meeting is convened either by the Executive Officer or by the Members with the 20th day of the month, the Deputy Commissioner or any person authorised by him shall have the power to call such a meeting and such meeting shall be deemed to be a meeting called by the Board and in such a meeting no quorum will be necessary.

13. The proceeding of the meeting held shall be recorded in a book to be kept for the purpose and shall be signed by all Members present. Copies of the resolution shall be submitted to the Deputy Commissioner for approval.

14. Subject to the provision of the Scheme and to the control of the Board, the Executive Officer shall manage the properties and affairs of the institution and arrange for the conduct of the daily worship and ceremonies and festivals of the institution according to the usage.

15. (a) The Executive Officer shall be appointed by the Deputy Commissioner.

(b) The Deputy Commissioner may remove, suspend, dismiss or fine or reduce the Executive Officer for neglect of duty, breach of trust, incapacity, misconduct and disobedience of lawful order.

(c) He shall be paid out of the funds of the institution, such salary as may from time to time be fixed by the Deputy Commissioner.

(d) He shall furnish cash or personal security or both as would be fixed by the Deputy Commissioner.

(e) All the employees of the institution shall be appointed by the Deputy Commissioner who may delegate his powers to the Executive Officer.

(f) They shall be paid out of the funds of the institution such salary as may from time to time be fixed, by the Deputy Commissioner of Endowments, in consultation with the Executive Officer.

(g) They shall furnish cash or personal security or both as would be fixed by the Deputy Commissioner.

(h) The Executive Officer or employee shall be whole time servants of the institution and shall not undertake any work connected with their office without the previous permission of the Deputy Commissioner.

The Executive Officer may remove, suspend, dismiss or fine, and reduce the employees of the institution connected with secular affairs for neglect of duties, breach of trust, incapacity, misconduct or disobedience of lawful orders. The employees so affected may prefer an appeal as provided under Section 32 of the Act.

16. (a) The Executive Officer shall be responsible for custody of all records and properties including cash and valuables of the institution and shall arrange for the proper collection of the offering made in or at the institution.

(b) All valuables shall be kept under double lock in custody of the Executive Officer and President of the Board.

17. Subject to the approval of the Board, the Executive Officer—

- (a) May lease out of the lands and buildings of the institution which are ordinarily leased out.
- (b) May call for tenders for works or supplies and accept such tenders.
- (c) May in cases of emergency direct the execution of any work or the doing of any act which is not provided in the budget for the year or not approved in the proceedings of the meetings of the Board, the immediate execution or doing of what is in his opinion necessary for the preservation of the properties of the institution or for the service or for safety of the pilgrims resorting to the institution or for the due discharge of the seba and puja of the deities in the institution and may direct that the expenses of the execution of such work or doing the act shall be paid from the funds of the institution. Action so taken, works so executed, expenses so incurred shall be placed before the Board of the Trustees in the meeting held immediately thereafter.

18. The Executive Officer, with the approval of the Board may make temporary provision, if any when necessary, for carrying on the deities of the pujaries, archaks and of other person in charge of the performances of religious rites and such servants shall be under the disciplinary control of the Executive Officer.

19. The Board shall take necessary steps to recover lands and other properties from whosoever is in possession thereof, encumbrances created by them or any person under them, if necessary by filing suits and cases after obtaining the previous sanction of the Deputy Commissioner.

20. The budget shall be prepared by the Executive Officer in consultation with the Trust Board and submitted for approval of the Deputy Commissioner.

21. The Executive Officer shall before the end of December every year prepare in the prescribed form a budget estimate of the receipts and expenditure of the institution for the following financial year and place it before the Board, who shall furnish it to the Deputy Commissioner with their recommendation, if any, by the 31st January following for approval.

22. The establishment charges shall in no event exceed 20 per cent of the net income towards Nities and Sebapuja and 20 per cent for periodical festivals and 5 per cent for personal expenses of the Hereditary Trustee.

23. The establishment charges shall in no event exceed 20 per cent of the income of the institution without the previous sanction of the Deputy Commissioner should the present charges exceed the said limit, they shall be reduced.

24. The budget shall provide for a sum not less than 10 per cent of the net income of the institution, for the purpose of effecting petty repairs and white washing and for capital construction including works of utility and for a sum not less than 5 per cent for charity and other allied purposes.

25. The budget shall also provide a sum not exceeding 5 per cent of the net income of the institution, for arranging "Stotrapath" Puranapath, Periodical Jagnya, Sastra Charcha and such other religious affairs.

26. A sum not exceeding 2 per cent of the net income shall be set apart for meet in any unforeseen liabilities and the balance provided in the budget as closing balance.

27. The Executive Officer shall furnish to the Deputy Commissioner the information as required under Section 15 of the Act.

28. By the first week of January each year, the Executive Officer shall submit to the Deputy Commissioner a report on the administration of the institution and endowments for the preceding year, briefly indicating the improvement effected to the institution and its financial position.

29. The accounts of the institution may be made available for inspection by any person having interest on his giving 3 days notice in writing to the Executive Officer and on paying a fee of Rs. 5 only.

30. If for any reason the Board does not properly function due to any internal misunderstanding, the Executive Officer or any person appointed by the Deputy Commissioner shall manage the institution as an Interim Trustee.

31. (a) All offerings in cash, kind or livestock made to the deity shall form part of the endowment and the Board shall take possession of the same. Printed receipts are to be issued to the donors for all such offerings and carbon copies thereof kept in the office for record.

(b) A scale of fees for the various collection shall be laid down by the Board and hung at a prominent place of the institution.

32. The Trust Board will prepare a set of rules of management connected with the work and conduct of the Officers and other employees of the institution and of those who work within the precincts of the institution and enforce the same after obtaining approval of the Deputy Commissioner of Endowments.

33. The Trust Board may take such other measures as would be necessary in the interest of the institution for the proper worship of the deity, for maintaining the sanctity and beauty of the place, for the safety and convenience of the visitors and worshippers, for propagation of spiritual knowledge and religious belief and for provision for charity.

34. All collection of the institution shall be deposited in a Nationalised Commercial Bank or in a Post Office Savings Bank as would be directed by the Deputy Commissioner. It will be jointly operated by the President of the Trust Board and the Executive Officer.

35. If for any reason, the Deputy Commissioner is satisfied that the institution can be properly managed without appointing a whole time Executive Officer, the Deputy Commissioner shall have power to appoint one of the willing person of the Trust Board as Managing Trustee, who will exercise the same powers and do the same functions of an Executive Officer, as provided in this Scheme.

36. In the management of the affairs of the institution preparation and submission of dittam (or scale of expenditure) Annual Budget, maintenance of the accounts, investment of surplus funds, incurring of loan and alienation of the lands of the institution, the Board shall be bound by the provisions of the Acts and the Rules framed thereunder and all such lawful direction as may be issued by the Deputy Commissioner from time to time.

37. Save in sofaras expressly provided herein, the Board of Trustees shall have all the rights and powers and shall be liable to discharge all the duties provided in the Act and Rules thereunder.

38. In case of any doubt or ambiguity arising out of any of the aforesaid provisions of the Scheme it shall be decided by the Deputy Commissioner and such decision shall be final.

39. The Deputy Commissioner of Endowments reserves the right to add, modify or alter any of the above provision, if so needed in the interest of the institution, subject to the provisions of the Act.

S. K. SWAIN

12-10-2011

Deputy Commissioner of Endowments
Odisha, Bhubaneswar